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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER S. WADSWORTH, M.D.,

Plaintiff,

v.

JEFFREY BEARD; J. CLARK KELSO;
TIMOTHY BELAVICH; RACHEL CHEN;
COURTNEY CORRADO; EUREKA DAYE;
ANDREW DEEMS; ERIC MONTHEI; CHERA
VAN BURG; LAURA WHYTE; and DOES 1
through 50, inclusive,

Defendants.

Case No. 3:15-cv-02322-EMC

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT ; ORDER**

Date: March 17, 2016

Time: 9:30 a.m.

Place: Courtroom 5, 17th Floor

Judge: Honorable Edward M. Chen

Date Action Filed: 5/22/2015

First Amended Complaint Filed: 6/3/2015

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Counsel for Andrew Deems

JOINT CASE MANAGEMENT CONFERENCE STATEMENT

On December 23, 2015, Plaintiff Christopher Wadsworth, and Defendants Jeffrey Beard, Timothy Belavich, Rachel Chen, Courtney Corrado, Eureka Daye, Andrew Deems, Eric Monthei, Chera Van Burg, Laura Whyte, and J. Clark Kelso (collectively, the “Parties”), through their respective counsel, filed a Stipulation to Stay proceedings in the above-captioned federal litigation due to two related proceedings currently pending before the California State Personnel Board: (1) *In the Matter of Alleged Retaliation by Timothy Belavich, Eureka Daye, Andrew Deems, and Eric Monthei*, a whistleblower case (Case No. 15-365WE); and (2) *Christopher Wadsworth v. California Department of Corrections and Rehabilitation, et al.*, an evidentiary hearing on a Request to File Charges (Case No. 15-355N). Plaintiff Wadsworth intends to assert claims in this federal litigation for which he must exhaust his administrative remedies, including some claims that first require the State Personnel Board to issue, or fail to issue findings, such that the Parties agreed that it would maximize judicial efficiency to stay this case pending resolution of the State Personnel Board proceedings.

On December 23, 2015, the Court granted the Parties’ Stipulation and removed all currently scheduled dates and deadlines from the calendar. The Court also reset the Case Management Conference previously scheduled for January 28, 2016 for March 17, 2016 and ordered the Parties to file a Case Management Conference Statement by March 10, 2016 “to confirm that the state board proceedings are moving forward and/or when parties expect a decision to be rendered.”

The Motion to Consolidate the whistleblower and RFC actions was denied. There is a pretrial conference scheduled for April 7, 2016 in the whistleblower case (Case No. 15-365WE), and the parties expect the evidentiary hearing in that matter to be completed no later than the end of 2016. There has not been a date scheduled to hear the RTFC matter.

For the same reasons contained in the Parties’ Stipulation to Stay, the Parties jointly agree that the Court should continue to stay this case until the State Personnel Board issues its final decision pursuant to Government Code 19582 in *In the Matter of Alleged Retaliation by Timothy Belavich, Eureka Daye, Andrew Deems, and Eric Monthei* (Case No. 15-0365WE). The Parties

1 will file a status report within fifteen (15) days of the date on which the State Personnel Board
2 issues its final decision pursuant to Government Code 19582 in Case No. 15-0365WE. The status
3 report shall (a) apprise the Court of the outcome of the proceeding; and (b) propose dates for the
4 filing of Plaintiff Wadsworth's Second Amended Complaint in this Case, for the filing of
5 Defendants' responsive pleadings, and for the Case Management Conference; or advise whether
6 the Parties believe the stay should continue until the conclusion of the RTFC matter.

7
8 RUKIN HYLAND DORIA & TINDALL LLP

9 Dated: March 10, 2016

10 By: /s/ John F. Hyland

11 John F. Hyland
12 Jessica Riggins

13 Counsel for Plaintiff Chris Wadsworth

14 Dated: March 10, 2016

15 OFFICE OF THE ATTORNEY GENERAL

16 By: /s/ Lyn Harlan

17 Lyn Harlan

18 Counsel for Jeffrey Beard, Rachel Chen, Courtney
19 Corrado, Chera Van Burg, and Laura Whyte

20 Dated: March 10, 2016

21 FUTTERMAN DUPREE DODD CROLEY MAIER
22 LLP

23 By: /s/ Martin Dodd

24 Martin Dodd

25 Counsel for J. Clark Kelso

26 Dated: March 10, 2016

27 KRONICK MOSKOVITZ TIEDEMANN & GIRARD

28 By: /s/ David Tyra

David Tyra
Meredith Packer Garey

Counsel for Eureka Daye and Timothy Belavich

Dated: March 10, 2016

ANGELO, KILDAY & KILDUFF, LLP

By: /s/ Kevin Dehoff

Carolee Kilduff
Kevin Dehoff

Counsel for Eric Monthei

Dated: March 10, 2016

VAN DERMYDEN MADDUX

By: /s/ Sue Ann Van Dermiden

Sue Ann Van Dermiden
Janine Braxton

Counsel for Andrew Deems

LOCAL RULE 5-1 ATTESTATION

I, John F. Hyland, am the ECF user whose ID and password are being used to file this Substitution of Counsel form. In compliance with Local Rule 5-1(i)(3), I hereby attest that: Lyn Harlan, Martin Dodd, David Tyra, Kevin Dehoff, and Sue Ann Van Dermiden have concurred in the filing of this document with their electronic signatures.

Dated: March 10, 2016

RUKIN HYLAND DORIA & TINDALL LLP

IT IS SO ORDERED that the CMC is
reset from 3/17/16 to 12/15/16 at 9:30 a.m.
An updated joint CMC statement shall
be filed by 12/8/16.

By: /s/ John F. Hyland

John F. Hyland

Counsel for Plaintiff Chris Wadsworth

Edward M. Chen
U.S. District Judge

